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Dated: June 12, 2008

Electronic Signature for Michael B. Stewart: /Michael B. Stewart/

Docket No.: 03-1001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Vishal Bhasin et al.

Application No.: 10/747,749

Confirmation No.: 6141

Filed: December 29, 2003

Art Unit: 2626

For: SYSTEMS AND METHODS FOR
PERFORMANCE TUNING OF SPEECH
APPLICATIONS

Examiner: H. X. Vo

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 13, 2008 (Paper No. 20080502), Applicant hereby provisionally elects claims 1-6, 8-15 and 18-21, with traverse, for continued examination.

The Examiner has required restriction between:

- I. Claims 1 – 6, 8 – 15 and 18 – 21, drawn to a method, voice stream analyzer, and network for aiding in tuning of one or more speech applications in response to request for information from the user during runtime, classified in class 704, subclass 231.
- II. Claims 7 and 16 – 17, drawn to a method and system for aiding in tuning of one or more speech applications by periodically analyzing the event data to identify

potential problem areas with at least one or more speech applications, classified in class 704, subclass 244.

Applicant elects the Group I claims, with traverse. First, the Applicant disagrees with the Examiner's characterization of the Group I claims. The Examiner has characterized the Group I claims as "a method, voice stream analyzer, and network for aiding in tuning of one or more speech applications in response to request for information from the user during runtime..." (Office Action, page 2) (Emphasis in original). Applicant notes that the language used by the Examiner – "in response to request for information from the user during runtime" – does not appear in any of the Group I claims, and accordingly, none of the Group I claims are limited to being "in response to request for information from the user during runtime."

In addition, while Applicant agrees that the Group I and II claims are patentably distinct from one another, "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." MPEP §803. Here, the Examiner states that the difference between the Group I and II claims is that the Group II claims include "periodically analyzing the event data..." (Office Action, page 2) (Emphasis in original). The language "periodically analyzing" was in the Group II claims as filed. Since the Examiner has already searched these claims, there is no serious burden on the Examiner to continue to prosecute the Group I and II claims in the same application.

Furthermore, the Examiner states that the Group I and II claims are classified in class 704/231 and 704/244, respectively. Office Action, page 2. A search using the USPTO website indicates that at least 17 issued patents refer to both classes/subclasses cited by the Examiner. Moreover, at least one of those patents had the same Examiner as the Examiner of the present patent application. Accordingly, it is respectfully submitted that no serious burden will be placed on the Examiner by continuing to examine both the Group I and II claims in the same patent application since this and other Examiners have searched those classes/subclasses in other patent applications.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65632-0230 from which the undersigned is authorized to draw.

Dated: June 12, 2008

Respectfully submitted,

Electronic signature: /Michael B. Stewart/

Michael B. Stewart

Registration No.: 36,018

Stephen J. Kontos

Registration No.: 60,337

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 25537

Attorney for Applicant